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**MAILED**

**MAY 21 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Mark J. Bamford, et al. :  
Application No. 10/598,759 : DECISION DISMISSING PETITION  
Filed: September 11, 2006 : UNDER 37 CFR 1.313(a)  
Attorney Docket No. PB60780USW :

This is a decision in response to the petition under 37 CFR 1.313(c)(2), filed May 20, 2009, requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on March 6, 2009, with the issue fee being due on or before June 8, 2009. It is noted that the issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313 is unnecessary since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. Note MPEP §§ 706.07(h)(IX) and 1308.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

The matter is being referred to Technology Center AU 1624 for appropriate processing of the RCE filed May 20, 2009, and for consideration of the concurrently filed Supplemental Information Disclosure Statement.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions